

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1836 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

CHAMPABEN W/O

BAHADURSING VARDHAJI MARWADI

Versus

COMMISSIONER OF POLICE

Appearance:

MS DR KACHHAVAH for Petitioner

MR DP JOSHI, AGP, for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE A.L.DAVE

Date of decision: 24/11/1999

ORAL JUDGEMENT

1. The petitioner came to be detained by an order dated 17th February 1999 passed by the Commissioner of Police, Ahmedabad in exercise of powers under the PASA Act. The detaining authority in the grounds of detention recorded that five offences are registered against the detainee. The detaining authority also considered the statements of witnesses who claimed to have witnessed the incidents dated 14/1/99 and 7/2/99. The detaining

authority, after verifying the statements, came to a conclusion that it was necessary to claim privilege u/s 9[2] of the PASA Act. The authority also recorded a subjective satisfaction that detention under the PASA Act was the only remedy which can be resorted to for preventing the petitioner from pursuing his illegal and anti social activities.

2. Heard Ms. Kachhava and Mr. Joshi, learned advocate for the parties.

3. At the outset, it is stated by Mr. Joshi, learned AGP that the order of detention has been revoked by the Government on opinion of the Advisory Board, on 31st March 1999. This fact is not disputed by the other side.

4. In view of this, the petition stands disposed of, as having become infructuous. Rule is discharged. No costs.

[A.L.DAVE, J.]

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